



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

• The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515-6115

JUL 15 2008

Dear Mr. Chairman:

Thank you for the letter of April 23, 2008, co-signed by Chairman Bart Stupak, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce. Your letter requests data on compensation practices at the Food and Drug Administration (FDA or the Agency). We provided partial responses to your letter in a briefing on May 16, 2008, and in a letter dated June 24, 2008. The following is in further response to your request.

Please note that some of the documents we are providing to you with this response are, and some may be, records maintained in a privacy act system of records, as that term is defined in The Privacy Act of 1974, Title 5, United States Code, §552a. Consequently, the Agency would not publicly disclose such documents except as provided in the Privacy Act, and we trust that you will accord such records appropriate protection.

We have restated your questions in bold followed by our response.

- 1. A list of all current FDA employees and their positions enjoying higher total compensation (includes salary, bonuses, cash awards or other cash enhancements) than the highest Senior Executive Service (SES) salary grade or the salary of an Admiral in the Public Health Service (currently \$172,188 per annum) if in a senior management position, or the highest General Schedule (GS) salary grade (currently \$158,500) if paid under the GS scales. For each individual for each year from calendar year 2002 forward, please provide the annual compensation and the mechanism of compensation (Title 42, Commissioned Corps, SES, physician comparability allowance, etc.). For all such employees compensated under Title 42, please also list the date of their appointment.**

In a briefing with Committee staff on May 16, 2008, we produced a list of FDA employees whose salary exceeded the threshold for their particular salary plan. We have subsequently discovered that three names were not included in the spreadsheet. Accordingly, we are enclosing an updated list.

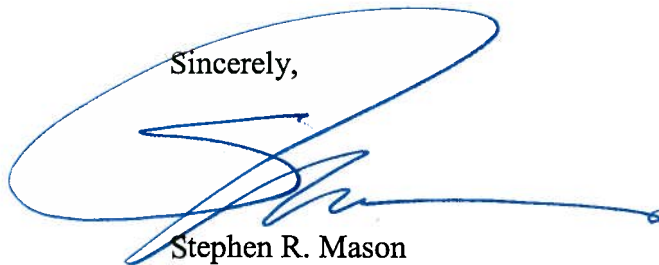
- 2. A list of all FDA employees, regardless of total compensation, and their positions who have received retention, locality, performance bonuses or awards, or other extraordinary payments in excess of \$4,000 in any given year and the amounts of such bonuses, awards, or other extraordinary payments since January 1, 2002. Please also provide the records justifying the bonuses, awards, or other extraordinary payments.**

We are providing the supporting payment justification documentation that we were able to locate. Enclosed are payment justification records, separated by the Office of the Commissioner (OC), Center for Drug Evaluation and Research (CDER), Center for Biologics Evaluation and Research (CBER), Center for Food Safety and Applied Nutrition (CFSAN), Center for Veterinary Medicine (CVM), Center for Devices and Radiological Health (CDRH), and the Office of Regulatory Affairs (ORA).

Additionally, we are in the process of collecting the supplemental materials requested at the briefing with Committee staff on May 16. The information will be forwarded as soon as it is available.

Thank you again for your interest in FDA matters. A similar response is being sent to Chairman Stupak, without enclosures.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Mason', with a large, sweeping loop at the end.

Stephen R. Mason
Acting Assistant Commissioner
for Legislation

Enclosures